

REMARKS

Claim 1 was amended to begin with "A compound ..." rather than "Compounds" as suggested by the examiner.

The definition of "heteroaryl" from page 7, lines 1-5, was added at the end of claim 1.

New claims 21 is drawn to compounds of claim 1 wherein Z is R<sup>5</sup>-heteroaryl and heteroaryl is as defined on page 7, lines 5-12. New claim 22 is drawn to compounds of claim 21 wherein heteroaryl is selected from the specifically exemplified heteroaryl groups: pyridyl (Ex. 1-6), pyridyl N-oxide (Ex. 1-60), thiazolyl (Ex. 1-29), pyrazinyl (Ex. 1-33), pyrimidyl (Ex. 1-18), quinolyl (Ex. 1-30) and benzimidazolyl (Ex. 1-37).

New claim 22 is drawn to the compound of Example 1-62 (page 22, and the fourth compound in claim 10)

Claims 15-20 were withdrawn as being directed to non-elected subject matter. Applicants reserve the right to pursue this subject matter in a divisional application. The examiner indicated that claims 11-14 were also withdrawn as non-elected subject matter, but applicants urge that they should be entitled to claim a pharmaceutical composition and method of treatment along with their novel compounds; the examiner indicated that he would consider this later in prosecution. Rather than withdraw these claims now and re-introduce them later, applicants have kept them pending in the application.

The above-requested amendments correct obvious errors and/or are supported in the specification, and do not represent new matter.

Claim 1 was rejected under 35 U.S.C. 112, first and second paragraphs. Applicants correction of the first line of claim 1 is believed to overcome the rejection based on the claim as filed reading on mixtures.

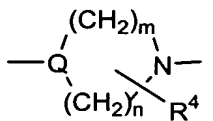
The term "heteroaryl" in the definition of Z was rejected as unclear and unsupportable. Applicants urge that with the insertion of the definition of heteroaryl from the specification into claim 1, the term is rendered clear: ring size and the type of heteroatom to be included are defined, and unstable combinations of atoms are excluded (applicants note that the shorthand term "and/or" was used in the

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specification, but the amended claim uses the longer version). Specific examples support 5-membered rings and 6-membered rings and N-oxides thereof, as well as 9- and 10-membered bicyclic rings. Applicants urge that those skilled in the art will be able to understand the scope of "heteroaryl" based on the definition and the exemplification. As discussed above, applicants have also added new claims 21 and 22 that further define heteroaryl.

The rejection uses the term "heterocyclic," but that term per se does not appear in the instant claims.

The rejection states that claim 1 is very large in breadth, for example because of applicants' definition of Y being



Applicants believe that this ring itself is not unduly broad: the Q is either optionally substituted carbon or nitrogen, and that the ring can be 6, 7 or 8-membered ( $m+n=4$ ,  $m+n=5$  or  $m+n=6$ ), and so only six ring types are represented. Compounds wherein Q is nitrogen are clearly well supported, and all the carbon substituents are supported ( $\text{CH}=\text{Ex. 1-105}$ ;  $\text{C(OH)}=\text{Ex. 1-127}$ ;  $\text{COCH}_3=\text{Ex. 1-107}$ ;  $\text{C(CN)}=\text{Ex. 1-104}$ ). Compounds wherein  $m+n=2$  are well supported, and compounds wherein  $m+n=5$  are shown, e.g., Ex. 1-15.

Applicants claimed compounds can have heteroaryl substitution at positions other than the "Z" group, but specific groups (e.g., furanyl, thienyl) are named. Also, some variables include non-aromatic heterocycles, but again, specific groups are named (e.g., morpholinyl) or a ring is formed by the combination of variables (e.g.,  $\text{R}^8$ ). Applicants urge that this terminology is readily understood by one skilled in the art, and that the many examples in the specification support these variables.

Applicants urge that it is well settled that a broad claim is not indefinite per se if the terms are adequately explained and supported in the specification, which applicants believe to be the case here. If, however, the claim is rejected because the scope is determined to be too difficult to search as a single entity, it is

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Reconsideration and withdrawal of the rejections under 35 U.S.C. 112 are respectfully requested.

No additional fee is believed to be due in connection with this response: seventeen claims are pending, three of which are independent.

Applicants note that a supplemental IDS accompanies this response.

Respectfully submitted,



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